

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

ARIEL MORALES BRACHO,

Plaintiff

v.

CLARK COUNTY COURT
INTERPRETERS SERVICES,

Defendant

Case No.: 2:20-cv-01340-APG-VCF

**Order Accepting and Modifying Report
and Recommendation and Dismissing Case**

[ECF No. 7]

On November 6, 2020, Magistrate Judge Ferenbach recommended that I dismiss this case with prejudice because the original complaint failed to establish subject matter jurisdiction and plaintiff Ariel Bracho failed to file an amended complaint by the October 28, 2020 deadline as ordered. ECF No. 7. Bracho did not file an objection. Thus, I am not obligated to conduct a de novo review of the report and recommendation. 28 U.S.C. § 636(b)(1) (requiring district courts to “make a de novo determination of those portions of the report or specified proposed findings to which objection is made”); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc) (“the district judge must review the magistrate judge’s findings and recommendations de novo *if objection is made*, but not otherwise” (emphasis in original)).

I THEREFORE ORDER that Magistrate Judge Ferenbach’s report and recommendation (ECF No. 7) is **accepted**, but I modify it to dismiss the complaint without prejudice. The original defect in the complaint was lack of subject matter jurisdiction. Bracho may choose to bring his suit in state court, so this case is dismissed without prejudice to him doing so. The clerk of court is instructed to close this case.

DATED this 1st day of December, 2020.



ANDREW P. GORDON
UNITED STATES DISTRICT JUDGE